

REMARKS

A proposed correction to the drawings is attached that includes the reference sign "4" mentioned in the description to satisfy the objections to the drawings and the specification.

Claims 1-4 have been amended to overcome the rejection under 35 U.S.C. § 102.

Claim 4 has also been amended to correct an informality to satisfy the objection.

Claims 5-6 have been amended to overcome the rejection under 35 U.S.C. § 112.

New Claims 7-20 have been added.

Claims 1-20 remain pending in the application.

Applicant respectfully requests reconsideration and examination of Claims 1-20 in view of the amendments above.

By way of this response, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the examiner telephone Thomas F. Lebens at (858)587-7644 so that such issues may be resolved as expeditiously as possible.

Regarding the rejection of Claims 1-6 under 35 U.S.C. § 102 as being anticipated by Craig, Craig does not disclose the claimed clamp for engaging the rim of the paint can. In contrast to Claims 1-3, Craig discloses a clamp for clamping onto an intake line of a fuel injector (see Abstract and FIG. 1). Because Craig does not disclose the claimed clamp for engaging the rim of a paint can, Craig does not anticipate Claims 1-3.

Further, Craig does not disclose the claimed magnet for engaging the ferrule of a paintbrush. In contrast to

Claims 1-3, Craig discloses a magnet (120) enclosed by the spring (120) (see column 3, line 25). Because Craig does not disclose the claimed magnet for engaging the ferrule of a paintbrush, Craig does not anticipate Claims 1-3.

Amended Claims 1-6 also recite a resilient member having a proximal portion attached to the clamp and having a distal portion attached to the magnet wherein the distal portion of the resilient member is displaced when the paintbrush is subjected to a mechanical shock so that the paintbrush does not slide off the magnet. In contrast to Claims 1-6, Craig discloses a spring (120) for providing a variable displacement between the clamps (16) and (60) (see column 3, lines 18-23). Because Craig does not disclose the claimed resilient member having a proximal portion attached to the clamp and having a distal portion attached to the magnet wherein the distal portion of the resilient member is displaced when the paintbrush is subjected to a mechanical shock so that the paintbrush does not slide off the magnet, Craig does not anticipate Claims 1-6.

As explained in MPEP §706.02(j) (700-31), the prior art reference must teach all the claim limitations. The claim limitations of "for engaging the rim of the paint can", "for engaging the ferrule of a paintbrush", and "wherein the distal portion of the resilient member is displaced when the paintbrush is subjected to a mechanical shock so that the paintbrush does not slide off the magnet" must therefore be considered in determining patentability.

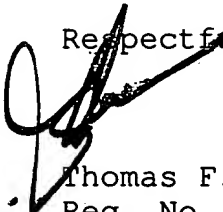
A version with markings to show changes begins on the following page.

The fee required for a three-month extension of time and one additional independent claim to this amendment should be billed to deposit account No. 50-1616.

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In view of the above amendments, Applicant submits that Claims 1-20 are in condition for allowance, and prompt and favorable action is earnestly solicited.

 Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

The following like-numbered claims have been amended:

1.(amended) A holder, attachable to a paint can having an open end defined by a rim, for supporting a paintbrush having a ferrule within the open end of the paint can, the [~~said~~] holder comprising:

a clamp for engaging the rim of the paint can;

a magnet for engaging the ferrule of the paintbrush; and

a resilient member having a proximal [~~first~~] portion attached to the [~~said~~] clamp and having a distal [~~second~~] portion attached to the [~~said~~] magnet wherein the distal portion of the resilient member is displaced when the paintbrush is subjected to a mechanical shock so that the paintbrush does not slide off the magnet.

2.(amended) The improvement of Claim 1 wherein the [~~said~~] resilient member is a spring.

3.(amended) The improvement of Claim 1 wherein the [~~said~~] resilient member is a length of resilient material.

4.(amended) In a magnetic paintbrush holder of a type having a clamp for fastening the holder to the rim of a paint can and having a magnet connected to the clamp for magnetically engaging the ferrule of a paintbrush, an [~~the~~] improvement comprising:

a resilient member having a proximal portion attached to [~~connecting~~] the clamp and having a distal portion attached to the magnet wherein the distal portion of the resilient member

is displaced when the paintbrush is subjected to a mechanical shock so that the paintbrush does not slide off the magnet.

5.(amended) The improvement of Claim 4 [3] wherein the [~~said~~] resilient member is a spring.

6.(amended) The improvement of Claim 4 [3] wherein the [~~said~~] resilient member is a length of resilient material.